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Attorneys for Defendant

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE and RUSSELL E.  
BURNS, in their respective capacities as  
Trustees, et al.,

Plaintiffs,

v.

JOHN CLARK BRISBIN, individually and *dba*  
CONSTRUCTION DEVELOPMENT  
SYSTEMS,  
Defendant.

Case No.: C10-4266 WHA

**JOINT REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

Date: April 14, 2011  
Time: 3:00 p.m.  
Location: 450 Golden Gate Avenue  
San Francisco, CA  
Courtroom: 9, 19<sup>th</sup> Floor  
Judge: Honorable William H. Alsup

Plaintiffs and Defendant in the above-titled action jointly submit this Request to Continue the Case Management Conference, based on the following:

1. This is an action by Plaintiff Trust Funds to compel Defendant's compliance with an audit required by a Collective Bargaining Agreement to which he is signatory, and by the Trust Agreements incorporated therein.

2. Counsel for both parties previously met and conferred, and the requested audit has now been conducted. Thereafter, on March 15, 2011, a report detailing the amounts found due in the audit was mailed to Defendant, allowing 30 days for Defendant to make payment, or contest

the findings.

3. Defendant's counsel, Matthew W. Quall, has advised Plaintiffs that a partial payment toward the amounts found due has already been submitted by Defendant, and that an additional partial payment will be submitted by April 15, 2011. Mr. Quall further advised that Defendant is in the process of reviewing potential small discrepancies with regard to the remaining amounts found due, which he intends to resolve by April 15, 2011.

4. Plaintiffs' billing allowed Defendant until April 15, 2011 for response and payment. Therefore, in order to allow time for Defendant to submit additional payment to Plaintiffs, and to complete his review and response to the report concerning the audit of his payroll records, both parties respectfully request that the Case Management Conference, currently scheduled for April 15, 2011, be continued for 30 days to allow resolution of the audit payment. If resolved, Plaintiffs will dismiss this action. If resolution is not reached within 30 days from the April 15, 2011 due date, after that time, a Case Management Conference will address scheduling of Plaintiffs' Motion for Summary Judgment.

5. There are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case Management Conference.

Dated: April 7, 2011

**SALTZMAN & JOHNSON  
LAW CORPORATION**

By: \_\_\_\_\_ /S/  
Muriel B. Kaplan  
Attorneys for Plaintiffs

Dated: April 7, 2011

LANG, RICHERT &amp; PATCH

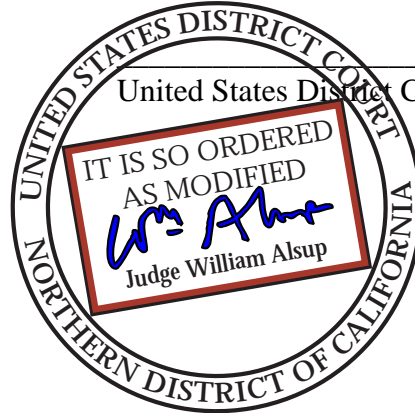
By: /S/  
Matthew W. Quall  
Attorneys for Defendants

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to May 12, 2010,

1 3:00 pm, and all previously set deadlines and dates related to this case are vacated, to be reset at  
2 that Conference.

3 Date: April 8, 2011.



United States District Court Judge